

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

07/01/2002

CLERK OF THE COURT  
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza  
Deputy

LC 2002-000127

FILED: \_\_\_\_\_

STATE OF ARIZONA

SAMUEL E VEDERMAN

v.

EFREN N PEREZ

DIANA L BRAATEN

MESA CITY COURT  
REMAND DESK CR-CCC

MINUTE ENTRY

MESA CITY COURT

Cit. No. 2001079497

Charge: INTERFERING WITH JUDICIAL PROCEEDINGS

DOB: 05/12/50

DOC: 11/29/01

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement since its assignment on June 5, 2002. This decision is made within 30 days as

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required by Rule 9.8, Maricopa County Superior Court Local Rules of Practice. This Court has considered the record of the proceedings from the Mesa City Court, and the Memoranda submitted by counsel.

Appellant, Efren N. Perez, was charged with Interfering with Judicial Proceedings, a class 1 misdemeanor in violation of A.R.S. Section 13-2810(A)(2). Appellant's case proceeded to a bench trial on March 1, 2002 before the Honorable Norine Richardson, Mesa City Court judge. Appellant was found guilty at the conclusion of the trial. Appellant has filed a timely Notice of Appeal in this case.

On appeal Appellant contends that the trial court erred by admitting State's exhibit #1 which consisted of certified copies of an Affidavit of Service, a Domestic Violence Order of Protection, a Petition for Order of Protection, and a court log or docket sheet reflecting court activity in the Municipal Court of the City of Mesa. Appellant objected to State's exhibit #1 on the basis that the certified documents contained hearsay statements. The trial court admitted exhibit #1 as certified court documents reflecting that an Order of Protection had been issued.<sup>1</sup> The trial court explained that exhibit #1 would be admitted to prove the existence of the Order of Protection, but not for the hearsay statements contained within the Petition for the Order of Protection:

No, no, no. We wouldn't even let the officer testify to it (the hearsay within exhibit #1). The document itself is a certified document, and that's why I put a qualifier on it. I did admit it into evidence but understanding the Defendant's rights that there has to be a limitation on what is - - this document can be used for. We can't use it for the truth of the matter asserted as to what

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<sup>1</sup> R.T. of March 1, 2002, at page 7.  
Docket Code 512

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person testified to as to why the Order of Protection was granted. What we can say is that an Order of Protection was granted out of this court that prohibited certain activity of the Defendant from being at certain locations, but we can't have any evidence or testimony about what this person testified to the court.<sup>2</sup>

It clearly appears that the court admitted exhibit #1 for a limited purpose: to show from certified court records that an Order of Protection had been issued from the same court. It is also clear that the trial judge recognized Appellant's hearsay objections and acknowledged their appropriateness. The trial judge did not consider State's exhibit #1 for the truth of those matters asserted therein. Therefore, this Court finds no error by the trial court in admitting State's exhibit #1 for the limited purposes stated on the record by the trial judge.

Appellant also argues that insufficient evidence was presented to the trial court that a relationship existed between Appellant and the victim. However, the crime of Interfering with Judicial Proceedings does not contain an element requiring that the State prove a domestic relationship between the accused and the victim. The elements of Interfering with Judicial Proceedings, as charged, can be found in A.R.S. Section 13-2810(A)(2). That statute requires that a person knowingly disobey or resist the lawful order, process or other mandate of the court. The relationship described by Appellant is the relationship between the person who commits an act of Domestic Violence and the victim which is described in A.R.S. Section 13-3601(A). Those necessary relationships describe within that statute are the prerequisites for the issuance of a Domestic Violence Order of Protection, not a prerequisite for the crime of Interfering with Judicial Proceedings.

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<sup>2</sup> Id. at page 12.  
Docket Code 512

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IT IS THEREFORE ORDERED affirming the judgment of guilt and sentence imposed by the Mesa City Court in this case.

IT IS FURTHER ORDERED remanding this case back to the Mesa City Court for all further and future proceedings in this case.